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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER
LITIGATION

This Document Relates to: All Cases

Master Case No. 3:18-cv-01586-JSC

**JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER REGARDING
ADDITIONAL TRIALS**

WHEREAS, there are currently 137 cases consolidated before this Court as In Re Pacific Fertility Center Litigation;

WHEREAS, the first case is scheduled to begin trial on May 3, 2021;

WHEREAS, this Court entered the parties' December 4, 2020 Joint Stipulation Regarding Additional Trials (Dkt. No. 620) which, among other things, set the first Additional Trial to begin on November 8, 2021;

NOW THEREFORE, pursuant to the Joint Stipulation Regarding Additional Trials, the parties through their respective counsel and subject to the Court's approval, hereby stipulate that:

1. The second Additional Trial (April 11, 2022) will be comprised of the cases identified below.

| Case Name | Case Number |
|--------------------|---------------|
| A.I. v. Chart Inc. | 3:20-cv-05046 |
| F.B. v. Chart Inc. | 3:20-cv-05059 |
| J.A. v. Chart Inc. | 3:20-cv-04986 |
| U.B. v. Chart Inc. | 3:20-cv-05093 |
| X.C. v. Chart Inc. | 3:20-cv-05009 |

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2. The second Additional Trial will begin on April 11, 2022, with these preceding deadlines:

| | |
|---|--------------------|
| Fact Discovery Cut-Off | September 3, 2021 |
| Deadline to serve expert reports | September 16, 2021 |
| Deadline to serve rebuttal expert reports | November 18, 2021 |
| Expert Discovery Cut-Off | December 2, 2021 |
| Deadline to file summary judgment and Daubert motions | December 17, 2021 |
| Deadline to file oppositions to summary judgment and Daubert motions | January 21, 2022 |
| Deadline to file replies to summary judgment and Daubert motions | February 4, 2022 |
| Hearing on summary judgment and Daubert motions | February 24, 2022 |
| Parties to serve, but not file, motions in limine and exchange proposed jury instructions | March 10, 2022 |
| Parties to serve, but not file, oppositions to motions in limine | March 17, 2022 |
| Deadline for Parties to meet and confer regarding motions in limine and proposed jury instructions | March 22, 2022 |
| In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer in person or via videoconference, and then prepare and file: (1) a jointly signed Proposed Final Pretrial Order; (2) a joint set of proposed instructions on substantive issues of law arranged in a logical sequence; (3) a separate memorandum of law in support of each party's disputed instructions; (4) proposed voir dire questions; (5) trial briefs on controlling issues of law; (6) proposed verdict forms; (7) objections to exhibits; and (8) a joint simplified Statement of the Case | March 24, 2022 |
| Parties to file motions in limine and oppositions together, back-to-back, in properly identified separate memoranda | March 24, 2022 |
| Pretrial Conference | March 31, 2022 |
| Trial of Second Additional Case | April 11, 2022 |

3. The third Additional Trial will begin on September 12, 2022, with these preceding deadlines:

| | |
|---|--------------------|
| Exchange and random selection of Additional Cases to be included in trial | September 3, 2021 |
| Fact Discovery Cut-Off | February 4, 2022 |
| Deadline to serve expert reports | February 18, 2022 |
| Deadline to serve rebuttal expert reports | April 22, 2022 |
| Expert Discovery Cut-Off | May 6, 2022 |
| Deadline to file summary judgment and Daubert motions | May 20, 2022 |
| Deadline to file oppositions to summary judgment and Daubert motions | June 24, 2022 |
| Deadline to file replies to summary judgment and Daubert motions | July 8, 2022 |
| Hearing on summary judgment and Daubert motions | August 4, 2022 |
| Parties to serve, but not file, motions in limine and exchange proposed jury instructions | August 11, 2022 |
| Parties to serve, but not file, oppositions to motions in limine | August 18, 2022 |
| Deadline for Parties to meet and confer regarding motions in limine and proposed jury instructions | August 23, 2022 |
| In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer in person or via videoconference, and then prepare and file: (1) a jointly signed Proposed Final Pretrial Order; (2) a joint set of proposed instructions on substantive issues of law arranged in a logical sequence; (3) a separate memorandum of law in support of each party's disputed instructions; (4) proposed voir dire questions; (5) trial briefs on controlling issues of law; (6) proposed verdict forms; (7) objections to exhibits; and (8) a joint simplified Statement of the Case | August 25, 2022 |
| Parties to file motions in limine and oppositions together, back-to-back, in properly identified separate memoranda | August 25, 2022 |
| Pretrial Conference | September 1, 2022 |
| Trial of Third Additional Case | September 12, 2022 |

4. The fourth Additional Trial will begin on February 20, 2023, with these preceding deadlines:

| | |
|---|-------------------|
| Exchange and random selection of Additional Cases to be included in trial | February 11, 2022 |
| Fact Discovery Cut-Off | July 12, 2022 |
| Deadline to serve expert reports | July 26, 2022 |
| Deadline to serve rebuttal expert reports | September 2, 2022 |
| Expert Discovery Cut-Off | October 6, 2022 |
| Deadline to file summary judgment and Daubert motions | October 21, 2022 |
| Deadline to file oppositions to summary judgment and Daubert motions | November 23, 2022 |
| Deadline to file replies to summary judgment and Daubert motions | December 9, 2022 |
| Hearing on summary judgment and Daubert motions | January 5, 2023 |
| Parties to serve, but not file, motions in limine and exchange proposed jury instructions | January 19, 2023 |
| Parties to serve, but not file, oppositions to motions in limine | January 26, 2023 |
| Deadline for Parties to meet and confer regarding motions in limine and proposed jury instructions | January 31, 2023 |
| In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer in person or via videoconference, and then prepare and file: (1) a jointly signed Proposed Final Pretrial Order; (2) a joint set of proposed instructions on substantive issues of law arranged in a logical sequence; (3) a separate memorandum of law in support of each party's disputed instructions; (4) proposed voir dire questions; (5) trial briefs on controlling issues of law; (6) proposed verdict forms; (7) objections to exhibits; and (8) a joint simplified Statement of the Case | February 2, 2023 |
| Parties to file motions in limine and oppositions together, back-to-back, in properly identified separate memoranda | February 2, 2023 |
| Pretrial Conference | February 9, 2023 |
| Trial of Fourth Additional Case | February 20, 2023 |

5. The fifth Additional Trial will begin on July 17, 2023, with these preceding deadlines:

| | |
|---|-------------------|
| Exchange and random selection of Additional Cases to be included in trial | July 8, 2022 |
| Fact Discovery Cut-Off | December 9, 2022 |
| Deadline to serve expert reports | December 22, 2022 |
| Deadline to serve rebuttal expert reports | February 23, 2023 |
| Expert Discovery Cut-Off | March 9, 2023 |
| Deadline to file summary judgment and Daubert motions | March 24, 2023 |
| Deadline to file oppositions to summary judgment and Daubert motions | April 28, 2023 |
| Deadline to file replies to summary judgment and Daubert motions | May 12, 2023 |
| Hearing on summary judgment and Daubert motions | June 1, 2023 |
| Parties to serve, but not file, motions in limine and exchange proposed jury instructions | June 15, 2023 |
| Parties to serve, but not file, oppositions to motions in limine | June 22, 2023 |
| Deadline for Parties to meet and confer regarding motions in limine and proposed jury instructions | June 27, 2023 |
| In lieu of preparing a Joint Pretrial Conference Statement, the parties shall meet and confer in person or via videoconference, and then prepare and file: (1) a jointly signed Proposed Final Pretrial Order; (2) a joint set of proposed instructions on substantive issues of law arranged in a logical sequence; (3) a separate memorandum of law in support of each party's disputed instructions; (4) proposed voir dire questions; (5) trial briefs on controlling issues of law; (6) proposed verdict forms; (7) objections to exhibits; and (8) a joint simplified Statement of the Case | June 29, 2023 |
| Parties to file motions in limine and oppositions together, back-to-back, in properly identified separate memoranda | June 29, 2023 |
| Pretrial Conference | July 6, 2023 |
| Trial of Fifth Additional Case | July 17, 2023 |

IT IS SO STIPULATED.

Dated: February 22, 2021

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FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Dena C. Sharp attest that concurrence in the filing of this document has been obtained by all counsel.

Dated: February 22, 2021

/s/ Dena C. Sharp

IT IS SO ORDERED that the foregoing Stipulation is approved.

Dated: February 23, 2021

